

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA**

In re:	)	
	)	Chapter 11
MERCY HOSPITAL, IOWA CITY, IOWA,	)	Case No. 23-00623 (TJC)
<i>et al.</i> ,	)	
	)	Jointly Administered
Debtors.	)	
	)	

**ORDER GRANTING IN PART AND DENYING IN PART EVERBANK  
N.A.’S ASSIGNMENT AND ASSUMPTION OBJECTION AND MOTION  
TO COMPEL**

Upon the objection (the “Objection”) of the EverBank<sup>1</sup> to the Debtor’s cure amount in connection with the assumption and assignment of the Equipment Lease to the State University of Iowa; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Public Administrative Order* referring bankruptcy cases entered by the United States District Court for the Northern District of Iowa; and the matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and venue of this proceeding and the Motion in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court being able to issue a final order consistent with Article III of the United States Constitution; and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice is necessary; and after hearing on the Objection on January 22, 2024 and the testimony of James Porter, the Debtor’s chief financial officer; and after due deliberation thereon; and good and sufficient cause appearing therefor; it is hereby

**ORDERED, ADJUDGED AND DECREED THAT:**

1. The Objection is granted in part and overruled in part as set forth herein.

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<sup>1</sup> Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Motion.

2. The cure amount for the Equipment Lease is \$24,915.00, the prepetition amount due and owing on the Equipment Lease as agreed to by the Debtor and EverBank and as set forth on the Debtors' *Notice of Assumption and Assignment of Additional Executory Contracts or Unexpired Leases and Cure Costs* [Docket No. 610], plus \$20,000.00 in attorneys' fees, for a total cure amount of \$44,915.00.

3. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated and entered this 23rd day of January, 2024.

  
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Honorable Thad J. Collins, Chief Judge

**Prepared and Submitted By:**

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